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Old Attorney Docket No. MORPHO/10

New Attorney Docket No. 37629-0040

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of **Christian Frisch et al.**

Serial No.: 09/795,872

Examiner: Strzelecka Teresa E

Filed: 02/28/2001

Group Art Unit: 1656

For: Generation of specific binding partners binding to (poly)peptides encoded by genomic DNA fragments or ESTs

**REVOCATION AND APPOINTMENT OF NEW ATTORNEY**  
**AND CHANGE OF ADDRESS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

assignee of record of the entire interest hereby revokes all previous powers of attorney and appoints the registered practitioners at CUSTOMER NO. 26633 at the law firm of HELLER EHRMAN WHITE & McAULIFFE LLP, 1666 K Street, N.W., Suite 300, Washington, D.C. 20006, to transact all business in the Patent and Trademark Office in connection with the above-captioned application. Please direct all written communications to Colin G. Sandercock, at the above-mentioned address, and direct all telephone communications to (202) 912-2000.

Respectfully submitted,

By: i.v. Bernhard Virnekäs  
Dr. Bernhard Virnekäs  
Senior Director Intellectual Property

By: A. V. Heuser  
Dr. Tanja Heuser  
IP specialist

Date: 07/03/02

Date: 07/03/02

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Christian Frisch et al.Application No./Patent No.: 09/795,872Filed/Issue Date: 02/28/2001Entitled: Generation of specific binding partners binding to (poly)peptides encoded by genomic DNA fragments or ESTsMorphoSys AG, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

**(NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

<u>i.v. Bernhard Virnekäs</u>	<u>07/03/02</u>	<u>i.A. Tanja Heuser</u>
Signature	Date	Signature
Dr. Bernhard Virnekäs		Dr. Tanja Heuser
_____ Typed or printed name	_____ Date	_____ Typed or printed name
Senior Director Intellectual Property	07/03/02	IP specialist
_____ Title		_____ Title

**ASSIGNMENT AND AGREEMENT**

**WHEREAS**, Christian Frisch, Titus Kretschmar, Adolf Höss and Thomas von Rüden (hereinafter referred to singly and collectively as "ASSIGNOR") have invented a certain invention entitled **Generation of specific binding partners binding to (poly)peptides encoded by genomic DNA fragments or ESTs** for which an application for United States Letters Patent was filed on February 28, 2001 as Application No. 09/ 795,872; and

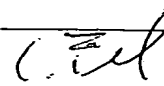
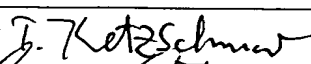
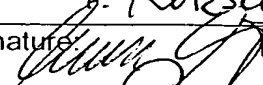



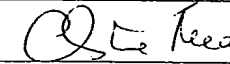

**WHEREAS**, MorphoSys AG, having its principal place of business at **Lena-Christ-Str. 48, 82152 Martinsried** (hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire interest therein;

**NOW THEREFORE**, in view of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto ASSIGNEE, its successors and assigns, the full and exclusive right, title, and interest in and to (a) the above-identified invention or inventions and all improvements and modifications thereof, (b) the above-identified application and all other applications for Letters Patent of the United States and countries foreign thereto for the above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

**ASSIGNOR HEREBY AUTHORIZES AND REQUESTS** the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

**ASSIGNOR HEREBY AGREES** (a) to communicate to ASSIGNEE, its successors and assigns, or their representatives or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of attorney, oaths, affidavits, declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

ASSIGNOR HEREBY REPRESENTS AND WARRANTS that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

NAMES AND SIGNATURES OF INVENTORS		
Name: Christian Frisch	Signature: 	Date: 26.06.02
Name: Tilus Kretschmar	Signature: 	Date: 25/06/2002
Name: Adolf Höss	Signature: 	Date: 24.06.2002
Name: Thomas von Rüden	Signature: 	Date: 26.06.02
NAMES AND SIGNATURES OF WITNESSES		
Name: Christine Ried	Signature: 	Date: 26.06.02
Name: ILSE LUIS	Signature: 	Date: 26.06.02
Name: Christine Ried	Signature: 	Date: 24.06.02
Name: Christine Ried	Signature: 	Date: 26.6.02